

**TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND, NEW JERSEY**

ORDINANCE 2019-13

AN ORDINANCE SUPPORTING SOLAR ENERGY SYSTEMS

BE IT ORDAINED by the Township Committee of the Township of Downe, in the County of Cumberland and State of New Jersey,

SECTION 1 PURPOSE OF ORDINANCE

Facilitation of the construction, installation and operation of Solar Energy Systems in Township of Downe, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Township and avoid significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this ordinance to encourage solar facilities that reduce reliance on fossil fuels, increase local economic development and job creation, reduce greenhouse gas emissions, assist New Jersey in meeting its Renewable Portfolio Standards, and/or promote economic development diversification.

SECTION 2 DEFINITIONS

- A. *Solar Energy System-Accessory Use* - a solar energy system-accessory use consists of one (1) or more photovoltaic, concentrated solar thermal, or solar hot water devices either free-standing ground, building integrated or roof mounted, as well as related equipment which is intended for the purpose of reducing or meeting the energy needs of the property's principal use.

- B. *Solar Energy Facility -Principal Use* - An alternative energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar energy related equipment and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily off-site use.

- C. *Ground-Mounted Solar Energy System* - A solar energy system that is directly installed on solar racking systems, which

are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mounted systems may be appropriate when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar

- D. *Solar Farm or Solar Garden* - A set of solar collection devices designed to capture sunlight and convert it to electricity primarily for offsite consumption and use; some electricity may be used by an onsite building or structure. Solar gardens can be designed as community solar systems in which community members can own shares in the solar system; subscribe to receive the generated solar power; or can purchase the output of the solar system to offset their own utility bills.

SECTION 3 GENERAL REGULATIONS

- A. All solar energy systems shall be designed, erected and installed in accordance with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).
- B. Solar energy systems are permitted in all zoning districts as an accessory use to permitted, conditional and special exception uses with appropriate building permit.
- C. Principal use solar energy facilities, solar farms and gardens must be in accordance with applicable laws and regulations.
- D. **Setbacks Ground-Mounted:** The location of the Ground-Mounted System shall meet all applicable accessory-use setback requirements of the zoning district in which it is located.
- E. **Height -Sloped Roof:** For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by setback requirements.
- F. **Height -Flat Roof:** For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit by up to fifteen (15) feet above the rooftop to which it is attached.

G. Height -Ground-Mounted: Ground-mounted or freestanding solar energy systems shall not exceed applicable maximum accessory structure height in the zoning district in which the solar energy system is located.

H. Height -Parking Canopies: A solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.

SECTION 4 SPECIAL CONSIDERATIONS: HISTORIC DISTRICTS

Solar energy systems within a historic district or on a historic resource property are not permitted unless written approval or a Certificate of Appropriateness has been granted by the Historic Preservation Commission as established by Township of Downe Ordinance 2019-7.

SECTION 5 SOLAR READY ZONING

Solar ready zoning should be considered as one among multiple considerations in planning new developments.

SECTION 6 PERMITTING FEES

Established in line with NJAC 5:23-4.20: NJAC5:23-4.20 (c) 2. iii. (13)

For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system as follows:

- A. One to 50 kilowatts, the fee shall be \$ 65.00;
- B. Fifty-one to 100 kilowatts, the fee shall be \$ 129.00;
and
- C. Greater than 100 kilowatts, the fee shall be \$ 640.00.

TOWNSHIP OF DOWNE

BY:


Robert Campbell, Mayor


Nadine Lockley, Municipal Clerk

STATE OF NEW JERSEY :
 : ss
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Downe Township Committee on the 9th day of September, 2019 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST



Nadine E. Lockley, Municipal Clerk



TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2019-13

Introduce Ordinance on First Reading

Motion: JORDAN

Second: ROTHMAN

Introduce Ordinance / First Reading Date: August 12, 2019
 Ordinance Published: August 22, 2019
 Ordinance Posted: August 12, 2019
 Public Hearing / Second Reading Date: September 9, 2019

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	x			

Adoption of Ordinance

Motion: JORDAN

Second: BYRNE

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: September 9, 2019
 Notice of Final Passage Published: September 19, 2019
 Notice of Final Passage Posted: September 10, 2019

Sept 9, 2019
 Date

Nadine E. Lockley
 Nadine E. Lockley, Municipal Clerk